

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DERREK DWIGHT GILLIAM,

No. 3:22-cv-01171-HZ

Plaintiff,

OPINION & ORDER

v.

UNIVERSAL MUSIC GROUP,
GOOGLE PLEX, and APPLE
PARK,

Defendants.

HERNÁNDEZ, District Judge:

Pro se Plaintiff Derrek Dwight Gilliam brings this action against Defendants Universal Music Group, Google Plex, and Apple Park. Plaintiff moves to proceed in forma pauperis [2]. Because Plaintiff has minimal income and assets, the Court grants the motion. However, for the reasons explained below, the Court dismisses the Complaint [1] without prejudice.

STANDARDS

A complaint filed *in forma pauperis* may be dismissed at any time, including before service of process, if the court determines that:

(B) the action or appeal—

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2); *see also Neitzke v. Williams*, 490 U.S. 319, 324 (1989) (*sua sponte* dismissals under section 1915 “spare prospective defendants the inconvenience and expense of answering” complaints which are “frivolous, malicious, or repetitive”); *Lopez v. Smith*, 203 F.3d 1122, 1126 n.7 (9th Cir. 2000) (section 1915(e) applies to all *in forma pauperis* complaints, not just those filed by inmates). A complaint is frivolous “where it lacks an arguable basis in law or in fact.” *Neitzke*, 490 U.S. at 325; *Jackson v. State of Ariz.*, 885 F.2d 639, 640 (9th Cir. 1989). A complaint fails to state a claim when it does not contain sufficient factual matter which, when accepted as true, gives rise to a plausible inference that defendants violated plaintiff’s constitutional rights. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 554, 556–57 (2007). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678.

As the Ninth Circuit has instructed, however, courts must “continue to construe pro se filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). A pro se complaint ““must be held to less stringent standards than formal pleadings drafted by lawyers.”” *Id.* (quoting *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam)). A pro se litigant will be given leave to

amend his or her complaint unless it is clear that the deficiencies of the complaint cannot be cured by amendment. *Lopez*, 203 F.3d at 1130–31.

DISCUSSION

I. Failure to State a Claim

Plaintiff has failed to state a claim on which relief may be granted. Plaintiff does not provide the legal basis for his claim in his Complaint and does not provide facts that plausibly state a claim for relief. Against Defendant Universal Music Group, under the heading Statement of Claim, Plaintiff writes the following:

had a dispute with a celebrity in Texas while facebook showing me in Los Angeles. A&R Scots molding me for music factory letting me know not to get job let out methods work. The label CEO and famous people of dispute in Texas the music industry jobbed to advance me monty sued each other on my birthday, the year I was prompt to sign. Arrive in L.A. No deal go to food stamp office get small cash and EBT – They send me to Hollywood to find work. I use cash from L.A. EBT office to buy me ticket back to Seattle, tho somebody approach me in Santa Monica and say where you going just get a silly job at McDonalds and somebody wil see you. Give him a soft no after he bought me sunglasses and went back to Seattle.

Compl. 7. Elsewhere he writes that “[t]he defendant is getting in the way of my task, responsibilities, maintenance, and love interest of my adult life while causing unlawful acts, gross work environment, and begging behavior.” Compl. 4.

Against Defendant Google Plex, under the heading Statement of Claim, he alleges:

Shared unlawful acts and unauthorized use of google accounts with music industry or universal sony since 2017 to now unable to access the gmail account even having thugs steal my cellular devices and send the media from Kent in Washington State to Los Angeles.

Compl. 9.

Against Defendant Apple Park, under the heading Statement of Claim, he alleges:

Shared unlawful acts and unauthorized use of google accounts with music industry or universal sony since 2017 to now unable to access the account even having thugs and companies steal my apple devices motive – itunes

Compl. 11.


From these allegations, the Court cannot discern a cognizable legal claim. Accordingly, the Court dismisses the Complaint and gives Plaintiff leave to amend to state a claim on which relief may be granted

CONCLUSION

The Court GRANTS Plaintiff's application for leave to proceed IFP [2]. Plaintiff's Complaint [1] is dismissed with leave to amend. Plaintiff may file an amended complaint, curing deficiencies noted above, within 30 days of this Opinion & Order. The Clerk shall not issue the summons without direction from the Court.

IT IS SO ORDERED.

DATED: September 7, 2022.



MARCO A. HERNÁNDEZ
United States District Judge